

**House File 2447 - Introduced**

HOUSE FILE 2447

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 695)

**A BILL FOR**

1 An Act relating to the regulation of motor vehicles by the  
2 department of transportation, including modification of the  
3 definition of business-trade truck, provisions concerning  
4 licensing sanctions and penalties for vehicle recyclers and  
5 motor vehicle dealers, annual registration fees for certain  
6 vehicles equipped for a person with a disability or used by  
7 a person who relies on a wheelchair, and requirements for  
8 the issuance of temporary persons with disabilities parking  
9 permits.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, subsection 7A, Code Supplement  
2 2009, is amended to read as follows:

3 7A. "*Business-trade truck*" means a model year 2010 or  
4 newer motor truck with an unladen weight of ten thousand pounds  
5 or less which is owned by a corporation, limited liability  
6 company, or partnership or by a person who files a schedule C  
7 or schedule F form with the federal internal revenue service  
8 and which is eligible for depreciation under § 167 of the  
9 Internal Revenue Code. If the motor truck is a leased vehicle,  
10 the motor truck is a business-trade truck only if the lessee  
11 is a corporation, limited liability company, or partnership  
12 and the truck is used primarily for purposes of the business  
13 operations of the corporation, limited liability company, or  
14 partnership or the lessee is a person who files a schedule C or  
15 schedule F form with the federal internal revenue service and  
16 the truck is used primarily for purposes of the person's own  
17 business or farming operation.

18 Sec. 2. Section 321.109, subsection 1, paragraph b, Code  
19 2009, is amended to read as follows:

20 b. The annual registration fee shall be sixty dollars for a  
21 vehicle, ~~otherwise subject to paragraph "a"~~, with permanently  
22 installed equipment manufactured for and necessary to assist a  
23 person with a disability who is either the owner or lessee of  
24 the vehicle or a member of the owner's or lessee's household  
25 in entry and exit of the vehicle or ~~for such a vehicle~~ if the  
26 ~~vehicle's~~ owner or lessee of the vehicle or a member of the  
27 ~~vehicle~~ owner's or lessee's household uses a wheelchair as the  
28 only means of mobility ~~shall be sixty dollars~~. This paragraph  
29 applies only to vehicles that are otherwise subject to  
30 paragraph "a" and to motor trucks with an unladen weight of ten  
31 thousand pounds or less that are otherwise subject to section  
32 321.122. For purposes of this paragraph, "*uses a wheelchair*"  
33 does not include use of a wheelchair due to a temporary injury  
34 or medical condition.

35 Sec. 3. Section 321H.3, subsection 4, Code Supplement 2009,

1 is amended to read as follows:

2 4. Storing more than six vehicles not currently registered  
3 or storing damaged vehicles except where such storing of  
4 damaged vehicles is incidental to the primary purpose of the  
5 repair of ~~motor~~ vehicles for others.

6 Sec. 4. Section 321H.6, subsection 3, Code Supplement 2009,  
7 is amended to read as follows:

8 3. The licensee has been convicted of a fraudulent practice  
9 or any ~~other~~ indictable offense in connection with selling or  
10 other activity relating to ~~motor~~ vehicles, in this state or any  
11 other state, or has been convicted of three or more violations  
12 of section 321.92, subsection 2, or section 321.99.

13 Sec. 5. Section 321H.6, Code Supplement 2009, is amended by  
14 adding the following new subsection:

15 NEW SUBSECTION. 6. The licensee has been determined in a  
16 final judgment of a court of competent jurisdiction to have  
17 violated section 714.16 in connection with selling or other  
18 activity relating to vehicles.

19 Sec. 6. Section 321H.8, subsection 2, Code Supplement 2009,  
20 is amended to read as follows:

21 2. A person who has been convicted of a fraudulent practice  
22 ~~or~~, has been convicted of three or more violations of section  
23 321.92, subsection 2, or section 321.99, or has been convicted  
24 of any ~~other~~ indictable offense in connection with selling or  
25 other activity relating to ~~motor~~ vehicles, in this state or  
26 any other state, shall not for a period of five years from  
27 the date of conviction be an owner, salesperson, employee,  
28 officer of a corporation, or representative of a ~~licensed~~  
29 ~~motor~~ an authorized vehicle recycler or represent themselves  
30 as an owner, salesperson, employee, officer of a corporation,  
31 or representative of a ~~licensed motor~~ an authorized vehicle  
32 recycler.

33 Sec. 7. Section 321L.2, subsection 1, unnumbered paragraph  
34 1, Code Supplement 2009, is amended to read as follows:

35 A resident of the state with a disability desiring a persons

1 with disabilities parking permit shall apply to the department  
2 upon an application form furnished by the department providing  
3 the applicant's full legal name, address, date of birth, and  
4 social security number or Iowa driver's license number or  
5 Iowa nonoperator's identification card number, and shall also  
6 provide a statement from a physician licensed under chapter  
7 148 or 149, a physician assistant licensed under chapter  
8 148C, an advanced registered nurse practitioner licensed  
9 under chapter 152, or a chiropractor licensed under chapter  
10 151, or a physician, physician assistant, nurse practitioner,  
11 or chiropractor licensed to practice in a contiguous state,  
12 written on the physician's, physician assistant's, nurse  
13 practitioner's, or chiropractor's stationery, stating the  
14 nature of the applicant's disability and such additional  
15 information as required by rules adopted by the department  
16 under section 321L.8. If the person is applying for a  
17 temporary persons with disabilities parking permit, the  
18 physician's, physician assistant's, nurse practitioner's, or  
19 chiropractor's statement shall state the period of time during  
20 which the person is expected to be disabled and the period  
21 of time for which the permit should be issued, not to exceed  
22 six months. The department may waive the requirement that  
23 the applicant furnish the applicant's social security number,  
24 Iowa driver's license number, or nonoperator's identification  
25 card number when the application for a temporary persons with  
26 disabilities parking permit is made on behalf of a person who  
27 is less than one year old.

28 Sec. 8. Section 322.3, subsection 12, Code Supplement 2009,  
29 is amended to read as follows:

30 12. A person who has been convicted of a fraudulent practice  
31 or, has been convicted of three or more violations of section  
32 321.92, subsection 2, or section 321.99, or has been convicted  
33 of any other indictable offense in connection with selling or  
34 other activity relating to motor vehicles, in this state or any  
35 other state, shall not for a period of five years from the date

1 of conviction be an owner, salesperson, employee, officer of  
2 a corporation, or representative of a licensed motor vehicle  
3 dealer or represent themselves as an owner, salesperson,  
4 employee, officer of a corporation, or representative of a  
5 licensed motor vehicle dealer.

6 Sec. 9. Section 322.6, subsection 1, paragraph d, Code  
7 Supplement 2009, is amended to read as follows:

8 *d.* The applicant has been convicted of a fraudulent practice  
9 or any indictable offense in connection with selling or other  
10 activity relating to motor vehicles, in this state or any other  
11 state, or has been convicted of three or more violations of  
12 section 321.92, subsection 2, or section 321.99.

13 Sec. 10. Section 322.6, subsection 1, paragraph i, Code  
14 Supplement 2009, is amended by striking the paragraph and  
15 inserting in lieu thereof the following:

16 *i.* The applicant has been determined in a final judgment  
17 of a court of competent jurisdiction to have violated section  
18 714.16 in connection with selling or other activity relating to  
19 motor vehicles and the department determines that the applicant  
20 should not therefore be engaged in the business of selling  
21 motor vehicles.

22 EXPLANATION

23 This bill amends the definition of "business-trade truck"  
24 to provide that the term applies only to model year 2010 or  
25 newer motor trucks. For purposes of motor vehicle registration  
26 fees, a "business-trade truck" is a motor truck with an unladen  
27 weight of 10,000 pounds or less which is used for business or  
28 farming.

29 The bill revises existing provisions that establish an  
30 annual registration fee of \$60 for a vehicle equipped to assist  
31 a person with a disability to enter and exit the vehicle if  
32 the person with a disability is the owner of the vehicle or a  
33 member of the owner's household. The \$60 fee also applies if  
34 the owner of the vehicle or a member of the owner's household  
35 uses a wheelchair as the only means of mobility and use of

1 the wheelchair is not due to a temporary injury or condition.  
2 The bill extends the \$60 fee to lessees as well as owners.  
3 In addition, the bill extends the \$60 fee to motor trucks  
4 registered as business-trade trucks and older model trucks  
5 which are otherwise subject to a fee based on the combined  
6 gross weight of the vehicle or combination of vehicles.  
7 Currently, only 2010 and subsequent model year motor trucks  
8 with a combined gross weight of 10,000 pounds or less that are  
9 registered for a fee based on weight and value are eligible for  
10 the \$60 fee.

11 The bill revises provisions relating to grounds for denial,  
12 suspension, or revocation of an authorized vehicle recycler's  
13 license or a motor vehicle dealer's license. Under the bill,  
14 such grounds exist when a person has been convicted of three or  
15 more violations of Code section 321.92, subsection 2, relating  
16 to vehicles without identification numbers or Code section  
17 321.99, relating to fraudulent use of a vehicle registration  
18 card, plate, or permit, or when a person has been determined  
19 in a final judgment of a court to have violated Code section  
20 714.16, relating to consumer frauds, in connection with selling  
21 or other activity relating to vehicles. In addition, the bill  
22 provides that conviction of a fraudulent practice; conviction  
23 of three or more violations of Code section 321.92, subsection  
24 2, or Code section 321.99, relating to fraudulent use of a  
25 vehicle registration card, plate, or permit; or conviction  
26 of an indictable offense in connection with selling or other  
27 activity relating to vehicles, in this state or any other  
28 state, disqualifies a person from acting as or representing  
29 themselves as an owner, salesperson, employee, officer of a  
30 corporation, or representative of a licensed motor vehicle  
31 recycler or a licensed motor vehicle dealer for five years from  
32 the date of conviction.

33 The bill allows the department of transportation to  
34 waive the requirement that an applicant for a persons with  
35 disabilities parking permit furnish the applicant's social

1 security number, driver's license number, or nonoperator's  
2 identification card number when the application is for a  
3 temporary permit and is made on behalf of a person who is less  
4 than one year old.